

FILED

AUG 31 2018

Clerk, U S District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

RYAN COMSTOCK and JENNA
COMSTOCK,

Plaintiffs,

vs.

MCNEIL & MEYERS ASSET
MANAGEMENT GROUP, LLC,

Defendant.

No. CV 17-118-H-SEH

ORDER

This action was filed on December 28, 2017, asserting claims to violations of the Fair Debt Collection Practices Act ("FDCPA") and the Montana Consumer Protection Act ("MCPA").¹

¹ Doc. 1.

An extension to effect service of process was granted, and on May 31, 2018, service of process was made.² The Defendant failed to appear or answer. Default was entered on July 19, 2018.³ The Court elected to treat Plaintiffs' request for "default" as an application for default judgment. Fed. R. Civ. P. 55(b)(2).⁴

A hearing on Plaintiff's Fed. R. Civ. P. 55(b)(2) application was held on July 26, 2018. Evidence to establish Defendant's liability and to determine damages was presented. Briefing to address claims of entitlement to (1) statutory damages and attorneys' fees under 15 U.S.C. § 1692k(a), and (2) treble damages under the Mont. Code Ann. § 30–14–133(1), was ordered⁵ and was filed.⁶

Upon the record made in open court and Plaintiffs' filings,

ORDERED:

1. The Clerk is directed to enter default judgment against the Defendant for the sum certain of: (1) statutory damages under 15 U.S.C. § 1692k(a)(2)(A) of \$2,000; (2) treble damages of \$32,247; and (3) attorneys' fees of \$2,480. No attorneys' fees attributable to the 1.10 hours expended in unwarranted service of

² Doc. 6.

³ Doc. 10.

⁴ Doc. 11.

⁵ Doc. 13.

⁶ Doc. 15 and 16.

process related activities is allowed.

DATED this 31st day of August, 2018.



SAM E. HADDON
United States District Judge